

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**  
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

**APPEAL NO. 15 OF 2023**

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., India Maxe City, 111<sup>th</sup> Milestone, Near Bad Ke Balaji Bus Stand, Jaipur-Ajmer Expressway, District Jaipur, Rajasthan, Pin-302026.

**2<sup>nd</sup> Address**

India Trade Tower, First Floor, Madhra Marg Extension Road, New Chandigarh, Mullanpur, District Sahibzada Ajit Singh Nagar (Mohali), Punjab, Pin Code-140901

...Appellant

Versus

1. Amit Pal, Flat No. 303/B, Saket Plaza, Jamal
2. Prithvi Pal Singh, Road Pulwan, Bihar Patna.

....Respondents

Memo No. R.E.A.T./2023/ 194

To,

REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup> FLOOR,  
BLOCK B, PLOT NO.3, MADHYA MARG, SECTOR-18,  
CHANDIGARH-160018.



Whereas appeal titled and numbered as above was filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeal is being forwarded to you and the same may be uploaded on website.

Given under my hand and the seal of the Hon'ble Tribunal this 09<sup>th</sup> day of May, 2023.

*Thomas Kumar*

REGISTRAR

REAL ESTATE APPELLATE TRIBUNAL, PUNJAB

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**THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT  
CHANDIGARH**

**Appeal No. 15 of 2023**

**MEMO OF PARTIES**

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd. India  
maxe City, 111<sup>th</sup> Milestone, Near Bad Ke Balaji Bus Stand,  
Jaipur-Ajmer Expressway, District Jaipur, Rajasthan, Pin 302026

2<sup>nd</sup> address:

India Trade Tower, First Floor, Madhra Marg Extension Road,  
New Chandigarh, Mullanpur, District Shabzada Ajit Singh Nagar  
(Mohali), Punjab, Pin Code 140901.

...Appellant

Versus

Amit Pal, Flat No. 303/B, Saket Plaza, Jamal  
Prithvi Pal Singh, Road, Pulwan, Bihar Patna.

...Respondents-Complainants



Place: Chandigarh.  
Dated: 08.03.2023

(MUNISH GUPTA)  
P-515/2005  
ADVOCATE  
COUNSEL FOR APPELLANT

**BEFORE THE REAL ESTATE APPELLATE TRIBUNAL, PUNJAB  
AT CHANDIGARH**

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**APPEAL NO. 15 OF 2023**

M/s Omaxe Chandigarh Extension Developers Pvt. Ltd., India  
Maxe City, 111<sup>th</sup> Milestone, Near Bad Ke Balaji Bus Stand,  
Jaipur-Ajmer Expressway, District Jaipur, Rajasthan, Pin-  
302026.

2<sup>nd</sup> Address

India Trade Tower, First Floor, Madhra Marg Extension Road,  
New Chandigarh, Mullanpur, District Sahibzada Ajit Singh  
Nagar (Mohali), Punjab, Pin Code-140901

...Appellant

Versus

1 Amit Pal, Flat No. 303/B, Saket Plaza, Jamal

Prithvi Pal Singh, Road Pulwan, Bihar Patna.

....Respondents

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Present: Mr. Munish Gupta, Advocate for the appellant.

**CORAM: JUSTICE MAHESH GROVER (RETD.), CHAIRMAN  
SH. S.K. GARG DISTT. & SESSIONS JUDGE  
(RETD.), MEMBER (JUDICIAL)**

**ER. ASHOK KUMAR GARG, CHIEF ENGINEER  
(RETD.), MEMBER (ADMN./ TECH.)**

**JUDGMENT: (JUSTICE MAHESH GROVER (RETD.), CHAIRMAN)**

**(ORAL)**



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1. This appeal has been filed against the order of the Real Estate Regulatory Authority, Punjab (hereinafter known as the Authority) dated 22.02.2022. Alongwith appeal, an application for condonation of delay of 318 days has been filed and the reasons for condoning it have been set out in para 5 and 6 of the application which we deem appropriate to extract:-

5. *That it is a matter of fact that since 2016, there has been serious recession in Real Estate Sector and Pandemic of COVID-19, since March 2020, has given it a further major blow/setback.*

6. *That on account of financial difficulties being faced, it took time for the Finance/Accounts Department of Appellant-Company to prepare the requisite demand draft, as required in terms of the proviso to Section 43(5) of the Act, and the same, amounting to Rs.22,34,601/- could be prepared, only on 23.03.2023.*

We may mention here that this impugned order was passed on 22.02.2022 and even the benefit of the Hon'ble Supreme Court's order during pandemic does not come to the rescue of the appellant. The reasons given in the aforesaid paragraphs are hardly inspiring for us to accept. To say that the developer is in financial distress, ~~W~~Without there being any material to support such a plea, it would be difficult to accept it as a reason to condone the delay particularly, when in an adversarial litigation a right accrues to the opposite party in the event of default by other. Besides a related Appeal No. 07 of 2023 involving



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the same point has been filed, with a delay of more than 80 days with same plea.

2. We thus do not find that the grounds set out in the application are persuasive enough for us to condone the delay.
3. Appeal is therefore dismissed on the ground of delay.

File be consigned to the record room.



*Sd/-*  
**JUSTICE MAHESH GROVER (RETD.)**  
**CHAIRMAN**

*Sd/-*  
**S.K. GARG, D & S. JUDGE (RETD.)**  
**MEMBER (JUDICIAL)**

*Sd/-*  
**ER. ASHOK KUMAR GARG, C.E. (RETD.),**  
**MEMBER (ADMINISTRATIVE/TECHNICAL)**

**April 24, 2023**  
**AG**

**Certified To Be True Copy**

*Manish Kumar*  
Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh  
*09/05/2023*